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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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2512	7590	04/18/2008	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			HOANG, HIEU T	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/658,568	Applicant(s) DONG, ZHU	
	Examiner HIEU T. HOANG	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/28/2008 has been entered.

2. Claim 14 is new.

3. Claims 1-14 are pending.

Response to Arguments

4. Applicant's arguments have been fully considered but they are moot in view of new ground(s) of rejection.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites "a computer program embodied on a memory of a device comprising: a computer useable medium having computer readable

code means embodied therein for causing a computer to perform the following when said program is run on a processor." It is vague how a computer program (software element) comprises a computer usable medium (which is a hardware element such as a computer disc). It is suggested that the applicant amend the claim as follow, "a computer program embodied on a memory of a device, said computer program comprising computer readable code for causing a computer to perform the following when said program is run on a processor." Correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Shachar et al. (US 6,208,996, hereafter Ben-Shachar), in view of Lewis et al. (US 6,738,635, hereafter Lewis), further in view of Frederiksen (US 2002/0080186)

9. For claim 1, Ben-Shachar discloses a system comprising:

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- a transmitting mobile communication device connected to a communication network (fig. 1, mobile device 3 in communication with desktop computers 4 and 13, and mobile device 10), and said transmitting mobile communication device comprising a calendar application that allows the user to enter an appointment and an associated user notification (abstract, col. 6 lines 52-61).

Ben-Shachar does not explicitly disclose:

- a message generator enabling an operator to generate a message associated with a scheduled event and to define a recipient of said message and a predetermined time for transmitting said message, and a timing element configured to record the predetermined time in a timing register, the event scheduling element being further configured to cause transmission of said message at said predetermined time.

However, Lewis discloses:

- a message generator enabling an operator to generate a message associated with a scheduled event and to define a recipient of said message (col. 9 lines 9-17, schedule data alert messages associated with an event can be edited by a user, col. 10 lines 57-63, recipient is identified by a message retrieving entity identifier) and a predetermined time for transmitting said message, and a timing element configured to record the predetermined time in a timing register (col. 11 lines 8-25, storing the user defined time in memory), the event scheduling element being further configured to cause transmission of said message at said

predetermined time (col. 11 lines 16-24, send message after a predetermined time expires).

Ben-Shachar-Lewis does not disclose that the event scheduling element configured to perform an application call to the message generator.

However, Frederiksen discloses the same ([0120], [0113], calendar application calls on an editor application to enter inputs)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Ben-Shachar, Lewis and Frederiksen to implement a notification method that allows the user to edit or modify alert message to provide more functionality and user friendliness to the user, and also implement easy inputting means for the user by using an editor application.

10. For claim 2, Ben-Shachar/Lewis/Frederiksen discloses the invention substantially as in claim 1. Ben-Shachar/Lewis/Frederiksen further discloses said message comprises a notification or an alert comprising a text, an audio track, a visual image, or any combination thereof (Lewis, col. 9 lines 15-17, text alert messages, Ben-Shachar, col. 6 lines 52-61, audible or visual indicia for notification).

11. For claim 3, Ben-Shachar/Lewis/Frederiksen discloses the invention substantially as in claim 1. Ben-Shachar/Lewis/Frederiksen further discloses said message comprises a short messaging service (SMS), a multimedia messaging service (MMS)

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message, or unstructured supplementary service data (USSD) (Lewis, col. 6 lines 5-23, col. 10 lines 63-66, col. 11 lines 48-65, short message service SMS).

12. For claim 4, Ben-Shachar/Lewis/Frederiksen discloses the invention substantially as in claim 1. Ben-Shachar/Lewis/Frederiksen further discloses said communication network comprises a wireless telecommunication network, a wireless short range short wave radio network, such as Bluetooth, a computer network, or any combination thereof (Lewis, abstract, wireless schedule notification method, Ben-Shachar, fig. 3, wireless mobile device).

13. For claim 6, Ben-Shachar/Lewis/Frederiksen discloses the invention substantially as in claim 1. Ben-Shachar/Lewis/Frederiksen further discloses the event scheduling element comprises a calendar element enabling said operator to schedule events (Ben-Shachar, col. 6 lines 52-54), which calendar element connecting to said message generator thereby enabling said operator to define an event in the calendar element and to generate an event notification in said message and to define a predetermined time for transmitting said event notification to said recipient (Ben-Shachar, col. 6 lines 54-61, Lewis, col. 11 lines 16-25, notification prior to a scheduled event at a predetermined time).

14. Claims 7-9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Shachar, in view of Lewis, and further in view of Chou et al. (US 5,902,352, hereafter Chou).

15. For claim 7, Ben-Shachar discloses an apparatus comprising:

- a keyboard and display for interfacing with an operator (fig. 3), a storage element for storing a message generator application adapted to enable said operator to generate content of said message (col. 6 lines 52-61, PIM application generating message content), configured to perform an application call to a transmission application adapted to process and pass said message (col. 6 lines 52-61, software module to present the message to the user) and a processor for processing data and executing said applications stored in said storage element (fig. 4, processor)

Ben-Shachar does not explicitly disclose:

- a timing application configured to record a predetermined time in a timing register, the timing application being adapted to notify the message generator application for causing transmission of said message to occur according to the predetermined transmission time.

However, Lewis discloses:

- a timing application configured to record a predetermined time in a timing register (col. 11 lines 8-25, storing the user defined time in memory), and the message generator application for causing transmission of said message to occur

according to the predetermined transmission time (abstract, col. 11 lines 8-24, transfer a message to a device according to a predetermined time).

Ben-Shachar-Lewis does not explicitly disclose the timing application being adapted to notify the message generator;

However, Chou discloses a timer used to notify that a scheduled event (such as sending a message) is to occur (abstract)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Ben-Shachar, Lewis and Chou to implement a notification method that allows the user to edit or modify alert message to provide more functionality and user friendliness to the user.

16. For claim 8, Ben-Shachar/Lewis/Chou discloses the invention substantially as in claim 7. Ben-Shachar/Lewis/Chou further discloses said message generator application is adapted to call said transmission application for preparing transmission through said message handling element, which during the process is adapted to call the timing application starting a timing function determining the transmission time of said message (Lewis, col. 11, lines 8-24, transmission of a notification message is scheduled by placing a period of time prior to the scheduled event, or calling a timing function to time for a transmission of the notification message, a message handling element is just a program code that enters the time from the user's input to the timing function).

17. For claim 9, Ben-Shachar/Lewis/Chou discloses the invention substantially as in claim 1. Ben-Shachar/Lewis/Chou further discloses comprising a calendar application adapted to enable the operator to perform calendar operations (Ben-Shachar, col. 6 line 52, Lewis, col. 10 lines 5-7) and wherein said calendar application is adapted to call said message generator application for generating a notification to be transmitted in said message at the predetermined time (Lewis, col. 9 lines 15-17, editing an alert message or a notification, col. 11, lines 8-24, transmission of a notification message is scheduled by placing a period of time prior to the scheduled event, or calling a timing function to time for a transmission of the notification message).

18. For claim 14, Ben-Shachar/Lewis/Chou discloses the invention substantially as in claim 7. Ben-Shachar/Lewis further discloses the apparatus comprises a mobile communication device for connecting to a communication network (Lewis, fig. 2, cell phone, Ben-Shachar, fig. 1, mobile devices).

19. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, in view of Ben-Shachar and Chou.

20. For claim 10, Lewis discloses a method comprising:
(a) storing in a storage element a message generator application (col. 9 lines 14-18, user can edit the alert message by, e.g., using a known text editor, see Frederiksen, [0120]), a transmission application (col. 11 lines 16-24, delivering or transferring

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notifications to a remote user's device), and a timing application (col. 9 line 57-col. 10 line 2),

(b) processing data and executing said applications stored in said storage element by means of a processor (col. 7 lines 56-58),

(c) enabling said operator to generate content of said message by means of said message generator application interfacing with said operator through a display and keyboard (col. 9 lines 14-17, the user can edit modify the alert message using a well known keyboard and display),

(d) enabling said operator to define a recipient of said message and a predetermined time for transmitting said message to said recipient, the timing application for recording the predetermined time in a timing register (col. 10 lines 55-64, define recipient, time to be delivered, col. 11 lines 8-25, storing the user defined time in memory),

(e) forwarding the message from the message generator application to the transmission application for processing and passing said message by means of said transmission application (col. 11 lines 16-24, delivering or transferring notifications to a remote user's device),

(f) timing transmission of said message according to said predetermined transmission time by means of said timing application (col. 11 lines 16-24, timing the delivery or transfer of notifications to a remote user's device at a certain period of time prior to the predetermined event);

(g) transmitting said message from a transmitting mobile communication device through a communication network at said predetermined time by means of a message handling

element operable by said transmission application (col. 11 lines 16-24, delivering or transferring notifications to a remote user's device).

Lewis does not explicitly disclose communication between the message generator application and the timing application is by application call.

However, Ben-Shachar discloses application calls (col. 6 line 62-col. 7 line 4, col. 8 lines 38-42, API calls)

Lewis does not disclose:

where the timing application continuously checks the predetermined time against an internal clock and generates a notification to the message generator application for initiating the transmission of the message;

However, Chou discloses setting a timer which indicates the time which should elapse until a scheduled event (such as sending a message) is to be activated (abstract)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Lewis, Ben-Shachar and Chou to implement a notification method on a mobile device that allows the user to edit or modify alert message to provide more functionality and user friendliness to the user, and to implement the use of a timer to activate an event as disclosed by Chou.

21. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, in view of Chou.

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22. For claim 11, Lewis discloses a computer program embodied on a memory of a device comprising a computer useable medium having computer readable code means embodied therein for causing a computer to perform the following when said program is run on a processor:

(a) storing in a storage element a message generator application (col. 9 lines 14-18, user can edit the alert message by, e.g., using a known text editor, see Frederiksen, [0120]), a transmission application (col. 11 lines 16-24, delivering or transferring notifications to a remote user's device), and a timing application (col. 9 line 57-col. 10 line 2),

(b) processing data and executing said applications stored in said storage element by means of a processor (col. 7 lines 56-58),

(c) enabling said operator to generate content of said message by means of said message generator application interfacing with said operator through a display and keyboard (col. 9 lines 14-17, the user can edit modify the alert message using a well known keyboard and display),

(d) enabling said operator to define a recipient of said message and a predetermined time for transmitting said message to said recipient, where the timing application for recording the predetermined time in a timing register (col. 10 lines 55-64, define recipient, time to be delivered, col. 11 lines 8-25, storing the user defined time in memory),

(e) processing and passing said message by means of said transmission application (col. 11 lines 16-24, delivering or transferring notifications to a remote user's device),

(f) timing transmission of said message according to said predetermined transmission time by means of said timing application (col. 11 lines 16-24, timing the delivery or transfer of notifications to a remote user's device at a certain period of time prior to the predetermined event);

(g) transmitting said message from a transmitting mobile communication device through a communication network at said predetermined time by means of a message handling element operable by said transmission application (col. 11 lines 16-24, delivering or transferring notifications to a remote user's device).

Lewis does not disclose:

where the timing application continuously checks the predetermined time against an internal clock and generates a notification to the message generator application for initiating the transmission of the message;

However, Chou discloses setting a timer which indicates the time which should elapse until a scheduled event (such as sending a message) is to be activated (abstract)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Lewis and Chou to implement the use of a timer to activate an event as disclosed by Chou.

23. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Shachar/Lewis/Frederiksen, as applied to claim 1, further in view of Chou.

24. For claim 12, Ben-Shachar/Lewis/Frederiksen discloses the invention substantially as in claim 1. Ben-Shachar/Lewis/Frederiksen does not disclose the message generator is configured to send a counting start request to the timing element wherein the predetermined time is registered in the timing register in response to the counting start request.

However, Chou discloses setting a timer (fig. 8 step 810 and 815) which indicates the time which should elapse until a scheduled event (such as sending a message) is to be activated (abstract)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Ben-Shachar, Lewis and Chou to implement a notification method on a mobile device that allows the user to edit or modify alert message to provide more functionality and user friendliness to the user.

25. For claim 13, Ben-Shachar/Lewis/Frederiksen/Chou discloses the invention substantially as in claim 12. Ben-Shachar/Lewis/Frederiksen/Chou further discloses the timing element is configured to continually check the predetermined time with an internal clock function and send a counting done signal to the message generator when the predetermined time is reached to initiate the sending of the message (Chou, abstract, when timer expires, task is activated, fig. 8 step 835).

26. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Shachar/Lewis/Frederiksen, as applied to claim 4, further in view of Kawamoto et al. (US 7,194,558, hereafter Kawamoto)

27. For claim 5, Ben-Shachar/Lewis/Frederiksen discloses the invention substantially as in claim 4. Ben-Shachar/Lewis/Frederiksen does not disclose said communication network further comprises a television network connecting to a gateway connected to said telecommunication network, said computer network, or said Bluetooth network.

However, Kawamoto discloses said communication network further comprises a television network connecting to a gateway connected to said telecommunication network, said computer network, or said Bluetooth network (fig. 1, col. 6 lines 1-8, a home gateway is connected between a public communication network including a telephone line, a cable television, and ISDN, the mobile device can be connected to a telephone line using a wireless phone, or a PDA wirelessly connected through the Internet using a Bluetooth connection, which is well known in the art).

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Ben-Shachar/Lewis/Frederiksen and Kawamoto to implement a gateway having advanced functionality by adding functions of routing information providing processing to a gateway in a network configuration, such as an Ethernet, including a TV, phones, and PCs to reduce the cost of building separate transmission lines (Kawamoto, col. 1 line 64-col. 2 line 5).

Conclusion

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu T. Hoang whose telephone number is 571-270-

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1253. The examiner can normally be reached on Monday-Thursday, 8 a.m.-5 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HH

/Bunjob Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2152